



Department of Energy

Argonne Area Office - West
P.O. Box 2528
Idaho Falls, Idaho 83403-2528
May 10, 2004

Mr. Daryl Koch
Remediation Program Manager
Idaho Department of Environmental Quality
1410 North Hilton St.
Boise, Idaho 83706

Mr. Nicholas Ceto
INEEL Project Manager
EPA Region 10
712 Swift Blvd., Suite 5
Richland, WA 99352

**SUBJECT: REQUEST FOR CONCURRENCE WITH A SUITABILITY DETERMINATION FOR
AN OFF-SITE FACILITY TO MANAGE WAG 9 CERCLA WASTES**

Dear Mr. Koch and Mr. Ceto:

DOE plans to dispose of approximately 100 cubic yards of nonradioactive metals-contaminated soils from two ditch sites at OU 9-04. The two sites are the Industrial waste Lift Station Discharge Ditch (ANL-35) and Ditch A (ANL-01). The soils from ANL-35 contain silver at levels that pose a risk to ecological receptors (plants and birds) only. The soils from ANL-01 Ditch A contain mercury at levels that pose a risk to plants and birds only. Neither site poses an unacceptable risk to human health. These wastes are CERCLA wastes that will be generated during the implementation of the remediation of Operable Unit 9-04 planned for June-July 2004. The soils have been sampled and analyzed as recently as November of 2003. As these soils are nonradioactive and are not RCRA-regulated, the preferred location for disposal of this soil is the INEEL Central Facilities Area (CFA) Industrial Waste Landfill located approximately 15 miles from ANL-West (WAG 9).

The CFA Industrial waste Landfill is an active Non-Municipal Solid Waste Landfill that is operated in accordance with 40 CFR 257 Subpart A. We plan to place the CERCLA soils in the bottom of the landfill cells, thereby providing at least ten feet of overburden to separate the soils from ecological receptors. The final capping and closure of the CFA Industrial Waste Landfill would permanently isolate the CERCLA soils from ecological receptors. The CFA Industrial Waste Landfill meets the requirements of the Off-Site Disposal Rule {40 CFR 300, 58 FR 49200}. This rule requires that the landfill be in compliance with federal, state and local regulations governing non-RCRA landfills, that the landfill have no current or unaddressed historical releases of hazardous substances to the environment, and that disposal of CERCLA waste will not lead to a release to the environment. The soil will be tested prior to shipment to ensure that it meets the INEEL Waste Acceptance Criteria for conditional waste.

In April of 2004, a search of compliance history at the CFA landfill conducted by both DOE and the State of Idaho DEQ. Enclosed is a summary of both searches that demonstrates that the landfill is in compliance with federal, state and local regulations.

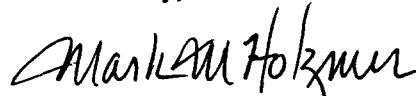
DOE used the CFA Industrial Waste Landfill in 2000 to dispose of similar metals-contaminated CERCLA ecological risk soils from two other OU 9-04 ditch sites. The disposal was a DOE/EPA/IDHW decision

based on the fact that the Landfill meets the Off-Site disposal rule criteria.

As completion of the final ESD for the OU 9-04 remediation is awaiting EPA and State concurrence on the suitability determination for off-site disposal of nonradioactive OU 9-04 CERCLA wastes in the CFA Industrial Waste Landfill, prompt action by your agencies would be greatly appreciated.

Please contact Greg Bass of DOE-ASO-W at 208-533-7184, if you have questions regarding this request for concurrence.

Sincerely,



Mark M. Holzner, Team Leader
Argonne Site Office-West

Enclosure:
As stated

cc:

D. Funk, NE-40, w/o encl.
K. Hain, NE-ID, w/encl.
A. Harvey, ASO, w/o encl.
S. Heston, DOE-CH, w/encl.
M. Jeffers, IDEQ, w/encl.
R. Lange, NE-70, w/o encl.
S. Lee, ANL-W, w/encl.
T. Miller, ANL-W, w/o encl.
M. Wilkening, EPA Region 10, w/encl.

ENCLOSURE

CENTRAL FACILITY AREA (CFA) LANDFILL COMPLIANCE HISTORY

The Central Facility Area Landfill Complex is divided into four different functional areas. There is an area with inactive waste cells that is undergoing investigation under CERCLA, there is an active landfill that receives nonhazardous industrial wastes, there is a friable asbestos cell, and there is a landfarm treatment area for petroleum-containing soils that is being closed.

The CFA Landfill Complex currently has no outstanding Notice of Violation (NOV) issues. The last NOV that identified an issue with the CFA Landfill Complex was signed by DEQ on November 19, 2001. The issue identified in the NOV was that the DOE had failed to submit an operation plan for the CFA Landfill and the CFA Asbestos Cell. The Consent Order describing the actions required to resolve the issue was signed on November 4, 2002. The Operating Plan for the Idaho National Engineering and Environmental Laboratory Landfill Complex, dated February 2003 was submitted to the Idaho Southeastern District Health Department on February 18, 2003. The DEQ terminated the November 4, 2002 Consent Order on October 1, 2003, thereby closing the Operating Plan issue.

The CFA Landfarm Treatment Area for petroleum contaminated material (PCM) is not included in the Operating Plan. Currently the Landfarm Treatment area is being closed and if Petroleum-Containing Material (PCM) is to be landfarmed in the future, an operating plan will be required.

At the CFA Friable Asbestos Landfill (which is included in the Landfill complex), there are no current outstanding NOV issues. There was an NOV issued by EPA Region X that cited that the DOE contractor violated 40 CFR 61.150(a), by failing to ensure that there are no visible emissions from the collection, processing, packaging and transportation of asbestos containing waste material generated during the D&D of the INEEL Security Training Facility. The DOE Contractor submitted a final corrective action plan (CCN 00-006611, dated March 27, 2000) addressing part of this issue by stating that they would ensure that a minimum 6-inch thick temporary soil cover be maintained over the asbestos material at the asbestos landfill until it is covered using the INEEL standard landfill cell closure practice of providing a 4-foot thick soil cover. The final Consent Agreement and Final Order (CAFO), Docket #CAA-10-2000-079, dated 09/27/01, again states the allegation as the stated in the NOV, but doesn't require any further action except for payment of a penalty. The penalties were paid to DEQ in October of 2001.

All parts of the CFA Landfill complex, including the Industrial Waste Landfill, are therefore currently in compliance with federal, state and local regulations.